

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11
12 ROGER M. ROCHA,

13 Petitioner,

14 v.

15 J. JANDA, Warden,

16 Respondent.
17
18
19

Case No. EDCV 12-1243-GW (LAL)

**ORDER ACCEPTING FINAL REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE AND DENYING
CERTIFICATE OF APPEALABILITY**

20 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
21 Final Report and Recommendation, and the remaining record, and has made a *de novo*
22 determination.

23 Accordingly, IT IS ORDERED THAT:

- 24 1. The Final Report and Recommendation is approved and accepted;
25 2. Judgment be entered denying the Petition and dismissing this action with
26 prejudice; and
27 3. The Clerk serve copies of this Order on the parties.

28 Additionally, for the reasons stated in the Final Report and Recommendation, the Court

1 finds that Petitioner has not made a substantial showing of the denial of a constitutional right.¹
2 Thus, the Court declines to issue a certificate of appealability.

3
4
5 DATED: November 20, 2015



HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).

